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September 26, 2008

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By Facsimile, Email and U.S. Mail

Mr. Jeff Lippert
Project Manager - Southeast Michigan District
Michigan Department of Environmental Quality
27700 Donald Court
Warren, Michigan 48092-2793

**Re: 2700 Orleans Street, Detroit, Wayne County
MDEQ Site ID No. 82002593**

Dear Mr. Lippert:

I telephoned your office this afternoon, but your voice mail indicated that you were out of the office all day. This letter provides an initial response to your September 10, 2008, letter directed to Fodale Group, LLC and confirms my voice mail message to you this afternoon.

Atwell-Hicks, on behalf of Fodale, LLC, provided a scope of work to your office at the request of U.S. EPA. The U.S. EPA's request to Fodale, LLC did not include the matters addressed in your letter nor did they include those matters provided in the document attached to your letter entitled "U.S. EPA Comments", dated September 10, 2008. These are new requests. Also, there are inconsistencies between the request of MDEQ and U.S. EPA and this is confusing.

Over the last few weeks, Fodale, LLC has been focused on efforts related to managing, removing and disposing of the soil stockpiled at the Site by U.S. EPA. As you know, U.S. EPA conducted the soil excavation on the Site without the consent of Fodale, LLC. Also, Fodale LLC has been managing, removing and disposing of the oil and water from the fuel oil tank within the building at the Site to satisfy U.S. EPA's demands. These efforts have taken a considerable amount of time and money. Compounding this is the fact that disposal facilities in Texas have been shut down due to recent hurricanes and this has caused a delay in approvals for disposal. It is expected that the soil and the liquids will be removed from the Site beginning early next week.

As a result of U.S. EPA's activities at the Site and its demands, Fodale, LLC has been unable to respond to your September 10, 2008, letter within the two (2) week deadline that you

Mr. Jeff Lippert
September 26, 2008
Page 2

established. My voice mail message to you today requested an additional two (2) week time period to respond to your letter and the requests contained within it.


You advised me earlier this week in a phone conference that U.S. EPA will proceed to conduct investigative activities in the area and under the procedures set forth in your September 10, 2008, letter and the document entitled "U.S. EPA Comments", dated September 10, 2008 if no response is provided to you by the end of today. Fodale, LLC respectfully requests that U.S. EPA and MDEQ not conduct such investigation at this time in order to allow Fodale, LLC adequate opportunity to respond. As you know, Fodale, LLC is willing and able to immediately conduct the work described in the scope of work prepared by Atwell-Hicks, Inc. In accordance with MDEQ's and U.S. EPA's requests, Fodale, LLC will not conduct this offered work at this time.

Fodale, LLC is unaware of any emergency or interim response activity which is needed at the Site as inferred in your letter. Please advise if MDEQ is aware of such information.

Fodale, LLC continues to look forward to a cooperative effort and relationship in this matter.

Very truly yours,

DAWDA, MANN, MULCAHY & SADLER, PLC



Tyler D. Tennent

TDT/tbv

cc: Mr. Brian Kelly (U.S. EPA)
Mr. Allan Longyear (Atwell-Hicks, Inc.)
Mr. Samuel Fodale (Fodale, LLC)